

INDIAN WORLD

"THE CHOICE IS OURS"

ONE DOLLAR



INDIAN GOVERNMENT

U.B.C.I.C. NEWS
APRIL 1982

FIRST NATIONS

ASSEMBLY

On July 1, 1979 a delegation of Chiefs & Elders went to England to inform the British Government and the Queen that patriation should be denied unless an agreement was made to recognize our Aboriginal Rights in the Constitution.

At the Tenth Annual General Assembly of the N.I.B., September 18-20, 1979, a Resolution was passed to hold a meeting of Chiefs & Elders to make it known that the Indian Nations of Canada would take our rightful place as Founding Nations of Canada and to lay the foundation to ensure the authority and control of the Chiefs over national Indian policies.

The First Nations Constitutional Conference was held on April 28-May 1, 1980 in Ottawa. A Resolution was passed that the Assembly of Chiefs select and empower a Council of Chiefs to carry out the duties, responsibilities and mandates as given by the Assembly of First Nations. The Union of B.C. Indian Chiefs led a demonstration on Parliament Hill to show the Federal Government that we were taking this fight seriously.

On November 27, 1980 to December 2nd the Second Assembly of First Nations Constitutional Conference was held in Ottawa. It was at this time that the Union of B.C. Indian Chiefs organized the Indian Constitution Express to continue our opposition on patriation of the Constitution. A "Declaration of the First Nations" was formally adopted by the Assembly.

The Third Assembly of First Nations Constitutional Conference will be held in Penticton, B.C. on April 20-22nd, 1982. This Assembly will be dealing with a new structure of a National Organization to define the roles and relationships of Provincial/Territorial organizations. National and Regional representatives will be elected. The Indian position of the Constitution will be an important issue as well as future strategies on plans the Federal Government has to undermine the Aboriginal Title and Treaty Rights of the Indian Nations in Canada.

Evenings will be set aside for social and cultural activities; or meetings of the Indian Governments.

INDIAN WORLD MAGAZINE

INDIAN WORLD is the official voice of the Union of British Columbia Indian Chiefs.

It is dedicated to building a strong foundation for Indian Government by providing an awareness of the political and social issues affecting the Indians of British Columbia.

Signed articles and opinions are the views of the individuals concerned and not necessarily those of U.B.C.I.C.

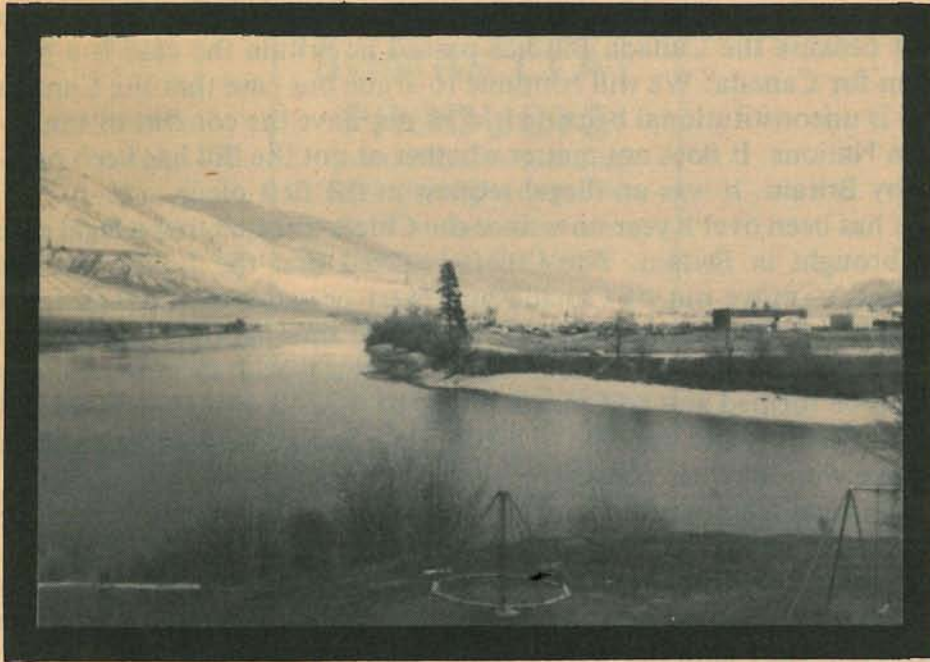


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REPORT ON THE LEGAL CASE IN BRITIAN

On April 20th, 1982 the British Government is bringing an application to strike our legal case from the British Courts. They are arguing that because the Canada Bill has passed in Britain the case is a problem for Canada. We will continue to argue our case that the Canada Bill is unconstitutional because it does not have the consent of the Indian Nations. It does not matter whether or not the Bill has been passed by Britain. It was an illegal request in the first place.

It has been over a year now since the Chiefs directed that a legal case be brought in Britain. The Chiefs realized that the Indian nations needed to move out of Canada and exert pressure on Canada from outside. It was important to move into the International community and make the Indian Nations visible to the world so new alliances could be formed and so Canada might be pushed or embarrassed out of that century old appetite to expropriate Indian land and assimilate people without their consent.

The legal team went to London in advance of the constitutional express. Our lawyers, John McDonald, Colin Graham, Ian Brownlie, and John Roseheim were hired. Our work was frustrated in the summer of 1981 because we did not have the money to continue with the case. It wasn't until the Chiefs conference in October of 1981 that we were able to get back on track. In the course of half an hour the Chiefs raised over \$30,000.00 which was enough money to take us back to London to work in the case. The day after the Bill arrived in London we launched our case on behalf of 78 Chiefs from various nations suing on behalf of themselves and their Bands.

The case argues that the Constitution of Canada is much older than the British North America Act the constitutional history starts way back to the time when the Indian nations owned, controlled, and occupied their traditional territories, governing their people as their forefathers had done since time immemorial. When representatives of the crown came into Indian teritory Indian Nations that Crown

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respected aboriginal rights. The Indian Nations formed a relationship with the British Crown which was to guide all of the activities of the Crown its governments and settlers in Indian territory forever. That relationship was formalized with the Royal Proclamation of 1763 which provided that the Indian Nations were to be protected in the possession of their territory until that land was voluntarily ceded by the Indian Nations to the Crown. The Royal Proclamation of 1763 is the first Constitution of Canada. Many Indian Nations concluded treaties with the Crown. Treaties became part of the Constitution of Canada.

It was only after many many years had passed in 1867 when the provincial governments and the federal governments were formed. These governments were intended to honour and respect aboriginal rights and the relationship between the crown and the Indian Nations. Section 91 (24) of the British North America Act placed the federal government in a position to administer a trust assuring that the crown's obligations to the Indian Nations would be properly administered over time. Under section 109 of the British North America Act the Provinces were given jurisdiction over territory in the province but subject to the Aboriginal Rights of the Indian Nations. In this way, the Dominion of Canada was formed.

Mr. Trudeau would have us believe that the Dominion of Canada is the federal government only. The provincial governments have argued over the year that the Dominion of Canada includes them as well. The Indian Nations are also part of the Dominion of Canada not under the authority of the federal government, as Mr. Trudeau would have us believe but as a separate Nation protected by the Crown through a trust imposed on the Federal government.

The Statute of Westminster says that the constitution can be patriated at the request and with the consent of the Dominion of Canada. The Indian Nations are part of the Dominion of Canada and Indian Nations have not given their consent to the Canada Bill. Therefore we are arguing that the Canada Bill is unconstitutional.

On February 22nd, 1982 we appeared in the British Court to ask for a speedy trial. The judge heard our argument and ordered that the case be set down on June 8, or on the first available date. In ordering a speedy trial the Judge said,

“the case raises issues of law of great constitutional importance and they should be clarified at the earliest moment. If the plaintiffs succeed in their action the Canada Bill will be declared unconstitutional and of no effect. That would have profound complications for the continuing controversy and for Canada.”

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David Ennals an M.P. in the British House of Commons and a former Cabinet Minister urged the British Parliament to await debate on the Canada Bill until our case has been heard. The British Government chose to run the Bill through as fast as they could, knowing that they would be prejudicing our case and showing disrespect for their own Courts. The day after the Bill was through they announced their application to strike our case. As the Queen preclaim's the bill in Canada, the government is bringing on an application to strike.

The Indian Nations have crossed the Atlantic and carried the message that we have not consented to the Canada Bill. It is a very strong message. The Indians are not saying that the Canadian Government treats us badly. We are saying as Nations of people that we have a right to self-determination. We are saying that Canadian Government, with the help of the British Government, have denied the Indian Nations their basic rights. It is a very strong statement on the the record and that statement is being heard by other Nations around the world. The British Government heard the message very clearly. Of the 24 hours of debate in the British House of Commons, 23 of those hours were entirely devoted to the Indian question. As one Member of the House of Commons said,

“That which is happening among Native Peoples in Canada is happening among Native Peoples in America, South American, and Australia. They now realize that they must fulfill their desitny and their obligations to the members of their bands to determine their own destinies. Perhaps the aspiration of the conquerers, as to bliterate and inilate those whom they dominated in the Americas.

There is now a renaissance and a resurgence. The Indian Nations governed themselves in the past and they did so more competently than they have been governed subsequently under the paternalistic Indian Acts in Canada. They now want to seek to play a greater part in the running of their own affairs. If Canada does not recognize that and continues paternalistically to treat the native peoples as their wards, governing them by Indian Acts while only allowing them some limited self-government Canada will face considerable problems in the future.

I applaud the way in which the various organizations have been campaigning. In many instances they have faced disappointments and failures. Whatever happens in the United Kingdom I believe that their campaigning will be seen by future generations as an important stage in their political development and in the inevitability of the Indian Nations of Canada playing an infinitely greater role in the governing of their own affairs.”

TO THE INDIGENOUS PEOPLES

By **GEORGE MANUEL**

When I say, "The Earth is our Mother" I am saying that Canada is our promised land. Where other people look "homeward" for the medicines to heal themselves, this is our home. If the exiled condition in which Eastern Europeans believe themselves can only be ended with a change in the relationship between their Mother country and the neighbouring Great Powers, our exile can be ended only with a change in our relationship with Canada.

The demand of Indigenous people that we be allowed to sit at the table where our lives are being negotiated and where our resources are being carved up like a pie is not really very different from the demand made by every non-Indian group in Canada, who share both a common history and a common territory. The whole history of Canada has largely been one long negotiations about the distribution of economic and political power. It is only with the guarantees of our rights and of the powers to make the decisions affecting our own communities that we an end the political manipulation on our lives.

The way to end the custodian-child relationship for Indian people is not to abolish our status as Indians but to allow us to take our place at the talbe with all the rest of the adults. Indian status has too often

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been described as a special status by those who wanted to create an argument to get rid of it. Indian status is neither more nor less special than those special provisions that have been made for different provinces at confederation; and since, in order to make it possible for them to work within the partnership of Canada, these provisions were also the recognition of the unique needs of different people and groups. The provisions have been preserved because the differences have been found real. Yet, everyone insists that they do not confer special status because they only create conditions for the different groups to become equal partners.

The criticism that Indigenous people make is that even if the Federal and Provincial Parliaments do serve the wishes of the great majority of Canadian people they can never fully serve the needs of our people. I do not doubt that these institutions might serve the purposes for which they were intended. I am saying that our own needs can be fully served only through the development of our own institutions.

There will be no significant change in the condition of unilateral dependence that has characterized our history through the past century and more until Indian peoples are allowed to develop our own forms of responsible government. The route to be followed to the Fourth World will be as diverse and varied as are the Indian tribes.

The Fourth World is not, after all, a final solution. It is not even a destination. It is the right to travel freely not only on our road but in our own vehicles. Unilateral dependence can never be ended by a forced assimilation. Real integration can only be achieved through a voluntary partnership and a partnership cannot be based on a tenant-landlord relationship. The way to end the condition of unilateral dependence and begin the long march to the Fourth World is through home rule.

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It was the demand for home rule and responsible government in Upper and Lower Canada that gave rise to an enduring partnership among the provinces of Canada and between the Dominion and her Mother country. When Quebec and Canada were united as one province for twenty-five years they discovered that responsible government without home rule is meaningless. Confederation guaranteed local autonomy - at least for the two major powers participating. The smaller and poorer Maritime Provinces demanded grants that would provide them with the economic power to participate in confederation and allow a financial base on which to enjoy their local autonomy.

We know that no provincial or federal governments will ever deal fairly with the Indigenous peoples until we can negotiate from a position of strength. We also know that the kind of integration based on mutual respect and acceptance of each other's values as valid for the other, will never happen until Indigenous people achieve the same standard of living as that enjoyed by the white Canadians. Remaining indigenous to Canada means that Indian people gain control of the economic and social development of our own communities within a frame work of legal and constitutional guarantees for our land and our Indian institutions. Without those guarantees our people and our institutions remain in a defensive position and our only weapon is passive resistance. With the constitutional and material support to carry on that development there would be no dilemma.

The racial myths that were created to justify the seizure of our land base will only be fully dispelled when we have received the legal recognition of our effective title to the lands that remain to us; and sufficient grants to compensate for what is lost so that we can afford to develop what does remain. Only then will we be able to demonstrate that there is no conflict between wanting to live comfortably and wanting to develop within our own traditional framework. The desire for

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legal recognition of our aboriginal and treaty rights has taken on a religious perspective. But as in most natural or traditional religions, the spiritual has not been separated from the material world.

Recognition of our aboriginal rights must be the mainspring of our future economic and social independence. It is as much in the long term interest of the white people of North America as in our own interest that we be allowed our birthright rather than that the Provincial, the Federal and the British Governments perpetuate the conspiracy that renders us the objects of charity while others enjoy the wealth of our land. Lord Denning of the British Court began in his judgement, on January 28, 1982, by tracing "the Indian title was a title superior to all others, save and so far as the Indians themselves, surrendered it or ceded to the Crown. That title was guaranteed to them by the Crown".

The massive political lobby mounted by our people across Canada, in Europe and especially in England, is a testimony of our conviction to enlarge our land base and to strengthen our economic and political foundation within Canada and within the Canadian legal system. We reject the goal of the Provincial and the Federal Governments to exterminate us.

Signed:

A handwritten signature in cursive script that reads "George Manuel". The signature is written in black ink and is slanted upwards to the right.

George Manuel

HEALTH

DEMONSTRATIVE

PROJECTS

In May 1982, a discussion paper titled, 'Transfer of Health Services to Indian Communities,' was released by National Health and Welfare. A result of the New Indian Health Policy of 1979. However, Indian organizations did not receive the transcripts to review or analyze until December 1981.

The discussion paper outlines step by step, the avenues National Health and Welfare propose to take on the 'Transfer of Indian Health Services to the Indian Communities/Bands, district councils or tribal councils, across the continent.

One of the alternatives outlined seems to be the route the government has chosen to determine the 'total cost' of the complete transfer of Indian Health Services, to be administered by the Indian Governments. For a two-year period, 'demonstrative projects' on health care services delivery, by the Indian communities, will be coordinated by each Regional Medical Service Branch and funded through National Health and Welfare.

The outcome of these projects, after the two year period, will determine the method of transferring the control of Indian Health Services Delivery, to Indian Governments in each province. Therefore, great importance, must be placed on the success of these projects.

Committees have been set up within the provinces, to assist in the applications and selections of these proposals before being forwarded to Ottawa, for final approval. These committees are called; 'Community-based Health Services Delivery,' or 'CHSD'.

Distribution of the document, to the Indian Governments, has been one of the main objectives of the committee to inform as many communities as possible, so that the Indian Governments, may choose to; or not to; submit a proposal to take over their own Health care delivery.

To date, the committee has received only two such proposals, both from the Vancouver Island area. The \$214,444.00 must be allocated by July 1, 1982, if this is not done, the money will be returned to treasury board in Ottawa as all unspent Indian moneys do.

An analysis and interpretation of the 'discussion paper' has been transcribed by one of the Indian Governments and is available through the U.B.C.I.C. office, or through the C.H.S.D. committee at Medical Services, 814 Richards Str., Vancouver, B.C. V0E 1MC.

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ADVERTISING THOUGHTS




The Communications systems between Indian people not only of B.C. but of the world, has changed drastically in the twentieth century. We have emerged from the so-called smoke signals method to satellites. Communication is so important to the Indian people who we serve that to get a message of importance to them we must use as many avenues available to show what's available to them, where it's available and how to receive it. The most unfortunate part of the process is that the service costs money, as we are so well aware.

It is my present position to write to groups that I believe may be interested in using the services of the Indian World magazine. For the purposes of getting competitions that are available in regards to training, jobs and crafts that are for sale to Indians or otherwise.

Below is a list of our Advertising Rates and sizes for placing an advertisement in the Indian World magazine. The deadline for each issue will be the seventh of each month, 14 days later the magazine shall be or should be at the homes of our Indian People.

Yours in brotherhood,
Herman Thomas



ADVERTISING RATES AND DATA

Black and White:

Full Outside back cover	\$750.00
Full Inside covers	\$700.00
Full page 7" wide x 9½" deep	\$600.00
⅓ page 4 5/8" x 9½"	\$400.00
½ page — horizontal 7" x 4 5/8"	\$300.00
½ page — vertical 3 3/8 x 9½ deep	\$300.00
⅓ page 2 1/8" x 9½"	\$200.00
¼ page 3 3/8" x 4 5/8"	\$150.00
1/8 page 3 3/8" x 2¼"	\$ 75.00

Black plus colour; \$150.00 for each additional colour.

Camera-ready copy preferred — 25% surcharge for artwork and type-setting.

Four colour process extra-colour separations must be supplied: \$600.00

For first month of advertising payment shall be ½ of estimated cost.

Remainder to be paid 14 days of billing.

For more information please call or write to the

UNION OF BRITISH COLUMBIA INDIAN CHIEFS — 684-0231
440 West Hastings, Vancouver, B.C.

Contact Herman Thomas.

EDITORIAL

PATRIATION

Patriation of the Constitution from England to Canada is supposed to symbolize Canada's independence and freedom. As we see it, the Prime Minister and Premiers will have greater freedom and independence to further oppress the Indian people and deny them the right to self-government as a nation.

The fight has been a long tedious one and shall not end here, the Indian people are presently planning how to further continue the fight not only nationally but internationally. Indian people have found no reason to celebrate patriation; in fact Indians are demonstrating across Canada stating that the Constitution is unconstitutional. If Canada's version of democracy means stripping Indian people of their pride, dignity and depriving them of self determination and self-government, then I shall not stand for thee O Canada, but continue to fight for democracy and freedom as we see it.

Herman Thomas



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